IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1078 OF 2005

Dr.Avinash Vijayshastri
Magan ..Petitioner

Vs.

State of Maharashtra ..Respondents

...

Mr.Subhash Jha for Mr.Manoj Dalavi
Advocate for Petitioner
Ms.S.V.Gajare, A.P.P. for the State

...

CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : JULY 7,2005

P.C.

1. Leave to amend granted. Amendment to be carried out forthwith.

2. The petitioner is facing prosecution in Sessions Case No. 737 of 2002. The said case is pending before the Court of Sessions, Mumbai. In the said Sessions Case, the petitioner preferred three applications before the Sessions Court i.e.

Misc. Application Nos. 1690 of 2004, 1691 of 2004 and 1692 of 2004. Though the applications were preferred and filed last year, the said applications have not yet been decided. The petitioner is only seeking a direction that the said applications be heard and disposed of expeditiously and in the meantime, the physical presence of the petitioner shall not be insisted upon. The learned A.P.P. has no objection to the above prayer being granted. In this view of the matter, the learned Sessions Judge shall dispose of all the three applications expeditiously and during the pendency of these applications, the learned Sessions Judge shall not insist on the physical presence of the petitioner.

3. The learned advocate for the petitioner states that non-bailable warrant has been issued against the petitioner by the trial Court and he prayed that the said non-bailable warrant be set aside. In my opinion, the proper course would be that the petitioner should approach the trial Court for setting aside the non-bailable warrant issued against him. Liberty is granted to the petitioner

to prefer application before the trial Court for setting aside the non-bailable warrant. To enable the petitioner to take necessary steps in respect of setting aside the non-bailable warrant, the said non-bailable warrant is stayed for a period of four weeks from today.

4. Writ petition is disposed of.

5. Authenticated copy be issued to the parties.

[V.K.TAHILRAMANI,J.]